IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FOURTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

-

WRIT PETITION NO : 15333 of 1994

Between:

K.V. Krishna Rao, s/o K. Rama Rao
R/o D.No. 4-142 Fathe Nagar, Hyderabad.

..... PETITIONER

AND

1. The Inspector General of Registration & Stamps,

State of A.P. Nampally, Hyderabad.

2. The Sub-Registrar,

Rajendra Nagar Mandal Ranga Reddy District,

Hyderabad.

3 Hyderabad Urban Development Authority,

Begumpet, Hyderabad

rep. by its Chairman.

4 S. Dhananjaya Rao, s/o S. P. Naidu
Aged: Major, R/o. H.No. 10-2-Shantinagar,

Hyderabad. 500 028.

5 Smt. V. Krishna Kumari, w/o Y.M. Bhaskar Reddy
R/o H.No. 10-3-299/A/1 Humayun Nagar,

Hyderabad - 500 028.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus or other appropriate writ or order or direction in the nature of a Writ declaring the action of the respondents second and fourth, in registering the cancellation deed dated 7-5-94 bearing document No. 3967/94 purporting to cancel

the earlier registered sale deed dated 7-8-90 bearing document No, 14272/90 executed in favour of the petitioner in the office of the second respondent as illegal, void and without jurisdiction and Award exemplary costs and compensation jointly severally against the second, fourth and fifth respondents in the interest of justice and pass such further or other orders.

Counsel for the Petitioner: MR.P.HARINATH GUPTA

Counsel for the Respondent No.1 & 2 : GP FOR REVENUE

Counsel for the Respondent No.3: MR.T.NIRANJAN REDDY

Counsel for the Respondents 4 & 5 : None appeared.

The Court made the following :

ORDER:

The present writ petition has been filed seeking writ of mandamus questioning the action of the second and fourth respondents in registering the cancellation deed, dated 07-05-1994, bearing document No.3967 of 1994, and cancelling the earlier sale deed, dated
07-08-1990, bearing document No.14272 of 1990 executed in favour of the petitioner in the office of the second respondent, as illegal and void.

The case of the petitioner is that the staff working in the State Secretariat formed a Cooperative Society in the name and style of “A.P.S.S. Cooperative Society” for acquiring house sites for the members of the society. The fourth respondent was a paid employee in the said credit society. The fourth respondent and the then President identified about 70 acres of land at Puppalaguda and Manikonda Khalsa villages, Rajendra Mandal, Ranga Reddy District for purchasing the same. The owners of the lands also executed GPA in favour of respondents 4 and 5. The respondents 4 and 5, upon petitioner selecting a plot bearing No.562 admeasuring 200 sq.yards, executed a registered sale deed dated 07-08-1990 bearing document No.14272 of 1990 after receiving Rs.10,000/-, towards sale consideration and developmental charges and also Rs.1,000/- towards registration charges. As the petitioner paid the entire sale consideration, possession was delivered to him and he is in absolute possession and enjoyment of the said property. The respondents did not return the original sale deed and receipt for amounts received by them. The respondents expressed their inability to acquire the land in the name of the society, as its objects require some amendment. Further, the respondents started demanding more money per square yard towards developmental charges for which the petitioner and others refused.

It is the further case of the petitioner that they formed an association, issued a notice to the first respondent complaining the acts of the fourth respondent and also for conducting enquiry. They also got issued a notice to the fourth respondent for

failure to handover the original sale deeds. There was exchange of notices between them. They also brought the said fact to the notice of the second respondent requesting him not to register any cancellation deed or other deeds pertaining to their properties and also complained to the Chief Secretary to the Government. The respondents, in connivance with the second respondent, and without issuing any notice to the petitioner, brought into existence the impugned cancellation deed. The petitioner denied the recitals in the cancellation deed and submitted that the respondents 4 and 5 are planning to execute sale deed in favour of third parties. At last, the petitioner also approached District Consumer, R.R District for redressal of their grievance. Hence, this writ petition.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

The learned counsel for the petitioner fairly submitted that, in similar cases, this court directed the petitioners to approach the civil Court for appropriate relief, as they are civil in nature,.

Accordingly, the writ petition is disposed of directing the petitioner, if he so desires, to approach the civil Court for appropriate relief, as the matter is civil in nature. No costs.

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24-06-2004.

Lrkm/Dvs.

To

1. The Inspector General of Registration & Stamps,

State of A.P. Nampally, Hyderabad.

2. The Sub-Registrar,

Rajendra Nagar Mandal Ranga Reddy District,

Hyderabad.

3. The Chairman,

Hyderabad Urban Development Authority,

Begumpet, Hyderabad

4. 2 CCs to the GP for Revenue, High Court Bldgs, High Court of

A.P(O.U.T).

5. 2 CD copies.